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# CONSTRUCTION & PROFESSIONAL SERVICES MANUAL – 2004

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## CHAPTER 4: PROCUREMENT PROCEDURES FOR PROFESSIONAL SERVICES

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### SECTION 401.0 GENERAL POLICY ON PROCURING A/E SERVICES

The Virginia Public Procurement Act (*Code of Virginia*, §2.2-4300 through 2.2-4377) sets forth the general parameters for the procurement of professional services. The sections in this chapter provide further definition of the requirements for procurement of professional services.

The policy of the Commonwealth is to contract with a single entity in acquiring the full range of disciplines necessary to provide the services identified for the project. The entity may be an Architectural & Engineering firm with in-house capabilities in all disciplines or it may be an Architectural firm or it may be an Engineering firm (or a Land Surveying firm) which subcontracts for disciplines not in-house. All of the above entities have an equal opportunity to compete for projects. Consideration will be given to the proposer which demonstrates it has the ability to meet the criteria in the RFP and is best suited to provide the services for the project. In any case the proposer will be referred to as the Architect/Engineer and will be required to provide the complete services indicated in the contract with all disciplines coordinated.

The person having overall responsibility for the project management and coordination of disciplines may be either a licensed Architect or Professional Engineer. A licensed Architect shall be in charge of planning and design of the Architectural aspects of the project. A licensed Engineer competent in that particular discipline shall be in charge of each discipline of the Engineering aspects of the project. The Architect or Engineer shall be registered and licensed by the Virginia Department of Professional and Occupational Regulation (DPOR) in accordance with requirements of the *Code of Virginia*.

*The Agency head will designate, in writing, a person, called in this **Manual** the Agency Contracting Officer or Chief Facilities Officer, who shall be responsible for the administration and supervision of the agency's capital outlay and construction program. This designee shall be responsible for assuring that the Agency conforms to the policies and procedures in the **Manual** for the procurement and administration of professional and nonprofessional service contracts and for the procurement and administration of construction contracts.*

### SECTION 402.0 PROCUREMENT OF RELATED SERVICES

The following types of services are typically required for capital outlay projects and for building planning, construction and renovation projects:

- 402.1 Professional:** Land surveyors, geotechnical engineers, soils engineers, or any service requiring the use of a licensed architect, engineer, or surveyor are by state law considered to be and shall be procured as Professional Services as outlined in this **Manual**.
- 402.2 Nonprofessional:** Cost consultants, interior design services, soils testing, concrete testing, project management, project administration, inspection/clerk of the works, and other services which may be performed by either licensed or non-licensed architects, engineers or others are considered to be Nonprofessional Services and shall be procured using procedures contained

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in Chapter 7 of the DGS, Division of Purchases and Supply, *Agency Procurement and Surplus Property Manual*.

### SECTION 403.0 PROJECT SCOPE OF WORK

Once the Agency determines the need for professional services, a Scope of Work will be prepared to identify or outline the services required, to identify the criteria, limitations and parameters for the services, and to describe the product(s) expected. The Scope may range from very general to very specific and will usually reference the **Manual**, the State Budgeting Instructions, the Building Code and/or other standards for the specific related requirements.

### SECTION 404.0 REQUESTS FOR PROPOSAL (RFP)

The Request for Proposal (RFP) will indicate in general terms the nature of the project and the architectural and/or engineering services which are sought, show the factors which will be used in evaluating the responses, incorporate by reference the **Manual** including the contractual terms and conditions contained therein, and set forth specifically any additional contractual terms and conditions. The RFP will state any unique capabilities or qualifications which will be demanded of the A/E. Each respondent to the RFP agrees to provide all the architectural and/or engineering services with respect to the project that are set out in the **Manual** and the RFP.

The RFP may specify the method to be utilized during negotiations in arriving at the fee amount for services; however, it will not call for Proposers to furnish estimates of manhours, labor rates, or cost for services with their qualification proposals. If no method is specified, the respondents may propose methods for negotiating the fee amount.

Each respondent shall submit ARCHITECTURAL/ENGINEERING FIRM DATA (pages AE-1 through AE-6) in response to the RFP and include the data and qualifications of any A/Es to be associated with it on the Project. Responses which do not include the Forms AE-1 through AE-6 and/or do not include the requested information and data may be considered as Not Responsive to the RFP.

*Sample RFP Formats for A/E services are located in Forms Center website. URL is <http://forms.dgs.virginia.gov>*

Proprietary information from respondents will not be disclosed to the public or to the competitors provided such proprietary information is appropriately properly identified, as required by *Code of Virginia*, § 2.2-4342.F, in the RFP response.

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### SECTION 405.0 ADVERTISEMENTS FOR PROFESSIONAL SERVICES

**405.1 Notice:** Public notice of the Request for Proposals shall be given a minimum of 10 days prior to the date set for receipt of proposals. Public Notice of RFP's for A/E services for Capital Projects and for Term A/E Contracts shall be posted for a at least 21 days unless a shorter time but not less than 10 days is justified and approved in writing by the Director, Bureau of Capital Outlay Management or, where delegated, the Agency's Chief Facilities Officer / Contracting Officer. The written justification and approval shall be a part of the official procurement transaction record.

Public notice of any Request For Proposal shall be given by the following methods:

- 1) By posting a copy of the notice in a public area normally used by the Agency for posting such notices; and
- 2) By publication of a notice on the On-Line Bids page of eVA, Virginia's central electronic procurement website. The URL is <http://vbo.dgs.state.va.us>.
- 3) By publication of the Notice in a newspaper of general circulation statewide and/or in the general area of the project.

The public notice will show the name, address, phone and fax number to be used to obtain a copy of the RFP.

### SECTION 406.0 SMALL BUSINESSES and BUSINESSES OWNED BY WOMEN and MINORITIES

On proposals for Contracts with a fee, or accumulation of fees, expected to exceed \$100,000, the A/E shall be required to submit with the RFP response, a report of past efforts to utilize the goods and services of such businesses and plans for involvement on the proposed contract. By submitting such information with their proposal, proposers certify that all information provided is true and accurate. If a proposer fails to submit all information requested, the purchasing agency may require prompt submission of missing information after the receipt of A/E proposals. Failure to provide information required by the RFP will ultimately result in rejection of the proposal as non-responsive.

The following data is required on each small business, women-owned business and minority-owned business: (1) ownership, (2) utilization in the most recent twelve (12) months, and (3) planned involvement or services to be performed on the proposed project. (The formats for submission of this data are included at Forms Center website. URL is <http://forms.dgs.virginia.gov>)

On contracts for professional services which exceed \$100,000 in total gross fees, the A/E is required to submit reports on the involvement of small businesses and businesses owned by women and minorities in the work or in support of the work on this contract. See Agency Contracting Officer for agency specific requirements.

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### SECTION 407.0      STANDARD FORMATS FOR RESPONSES TO RFPs

Standard formats for responding to Requests For Proposals (RFPs) provide a uniform forum for the A/E to present both the historical data on A/E firm and the project specific qualifications and help streamline the agency's review and evaluation process. Using standard formats also reduces the effort and expense of responding to RFPs and provides uniformity in the type information requested. Capital Outlay Forms AE-1 through AE-6, ARCHITECTURAL/ENGINEERING FIRM DATA, have been structured to obtain information on the responding A/E that is pertinent to the RFP. Agencies shall require that A/Es responding to Professional Service RFPs use these forms for their responses. Required additional or supplemental information shall be provided as requested in the individual RFP.

- **Form AE-1** provides historical data on the firm to include firm name, location, type of ownership, size, previous name(s), principals, type of personnel, consultants proposed, Professional Liability Insurance coverage, disadvantaged business utilization proposed, and variety of past project experience data.
- **Form AE-2** provides information on the proposed consultants for the particular project.
- **Form AE-3** provides information on the personnel proposed to be assigned to the project and a narrative of the methodology to be used for providing the services and for quality assurance.
- **Form AE-4** provides information on the individual qualifications, experience and expertise of the key personnel proposed to be assigned to the project.
- **Form AE-5** provides specific data on similar projects or projects with similar features on which the A/E and/or its consultants have provided services.
- **Form AE-6** offers the A/E a forum for a narrative describing particular capabilities, expertise, project approach, current workload, and other information supporting the firms qualifications for the project.
- Blank copies of the AE-1 through AE-6 forms are downloadable from the DGS Forms Center. URL is <http://forms.dgs.virginia.gov>

A/Es interested in being considered by an agency for Emergency Procurements and Small Purchase Procurements should file with each marketed agency a generic copy of Forms AE-1 through AE-6 indicating consultants often used, current staff with qualifications, typical or representative projects, and a narrative summary of the firms capabilities. Such forms should be updated at least annually.

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### SECTION 408.0 PROCEDURES FOR QUALIFICATIONS BASED SELECTION OF A/E's

#### 408.1 General:

- In the event of a bonafide emergency, the Agency may use **Category A, Emergency Selection Procedures**, to select a qualified and suitable A/E, negotiate a fee, and award a contract to provide the emergency services.
- Each Agency using **Category B - Small Purchase Procurement** procedures for services with a total fee, including reimbursables, less than \$30,000 shall receive and maintain statements of interest and qualification statements on Forms AE-1 thru AE-6 from A/Es interested in serving the agency on such small service contracts. Selections of A/E's will be made from those A/E's having their qualification statements on file with the agency. Qualification statements should be less than one year old and reflect the current status and qualifications of the A/E.
- If the total A/E fee, including reimbursables, is expected to exceed \$30,000, the Agency shall advertise and utilize the **Standard Category C RFP** procedures to select an A/E. The Agency Building Committee, either as a whole or through an appointed screening subcommittee, will review and evaluate the responses to the RFP in relation to the criteria listed in the RFP. This screening process will identify the three to five (or more) A/E's which appear best suited by experience, qualifications, project approach and other factors and those A/E's will be recommended for telephonic or personal interviews.
- The Building Committee will conduct interviews with three to five of the top-ranked firms. The interviews should be scheduled to allow sufficient time for a presentation by the firm, a question / answer period permitting the Committee to query the A/E on specific factors to be evaluated, and time for a brief closing summary to permit the A/E to highlight why it should be selected.
- After the interviews, the Committee will rank the firms interviewed and conduct competitive fee negotiations with the top-ranked firm, as authorized or directed by the Agency head. If a satisfactory fee, schedule and terms can be negotiated with the top-ranked firm, a contract will be awarded. If not, negotiations with the top-ranked firm will be terminated in writing and negotiations begun with the firm ranked number two and so on.
- **Notice of Intent to Award:** Once the fee negotiations are complete, the Agency shall "Post" a Notice of Intent to Award at the place the agency uses for "posting" notices. Proposers not selected have 10 days from the date of 'posting' in which to file a written 'protest' of the award of the Contract. In addition the agency may also post such notices on their Electronic Website and/or the DGS central electronic procurement Website. The Agency shall post a Notice of Award in like manner when the contract is successfully awarded.
- For **Term A/E Contracts**, the Building Committee should determine the disciplines or categories of contracts to be solicited and issue an RFP for each discipline or category. Even

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though a proposer may qualify and be interviewed for a contract in more than one discipline or category, **the A/E can be awarded only one term A/E Contract with the Agency for that period.**

### **SECTION 409.0 PROCEDURES FOR CATEGORY A (§ 2.2-4303.F. - Emergency Procurement)**

In the event of a bona fide emergency, the selection may be made without regard to use of the usual Professional Services Procurement procedures:

*409.1 A written determination shall be signed by the Agency head documenting the nature and basis of the emergency and authorizing procurement of A/E services (and related corrective work, if applicable) on an emergency basis.*

*409.2 , The Agency should telephonically contact one or more A/E firms who have demonstrated a capability to do the necessary work in a timely manner (either through previous contracts or on their Forms AE-1 through AE-6). The Agency should describe to the A/E the nature of the work and the necessary time frame for accomplishing the work. A commitment should be requested from the firm(s) that if it is selected for the work, it will provide the services within the required time frame.*

*409.3 The Agency shall negotiate with the selected firm to establish a fee for the work on a LUMP SUM basis or on a UNIT COST (hourly rate) basis with a NOT TO EXCEED AMOUNT.*

*409.4 The Agency shall award a contract using Form CO-3 or CO-3.2 for the work and shall issue and post a written notice stating that the contract is being awarded on an emergency basis, identify the work being procured, identify the firm selected and the date of award of the contract. Post / publish the notice on the On-Line Bids page of eVA, Virginia's central electronic procurement website. The URL is <http://vbo.dgs.state.va.us>.*

*409.5 The Agency VCCO shall forward a copy of the signed Form CO-3 or CO-3.2, a copy of the Emergency declaration, and an explanation of the circumstances to DEB.*

*409.6 Issue a Purchase Order in eVA referencing to the Contract CO-3 or CO-3.2*

### **SECTION 410.0 PROCEDURES FOR CATEGORY B (Code of Virginia, §2.2-4303.H, Small Purchase Professional Service Procurements with Total Fee Less Than \$30,000)**

If the total fee including reimbursable expenses will be less than \$30,000, the Agency may use the following “Small Purchase Professional Service Procurement Procedures”.

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*(Note: Agencies are encouraged to utilize the services of qualified Virginia based small businesses and businesses owned by women or minorities for Category B procurements.)*

**410.1** *If the total fee including reimbursable expenses will be less than \$30,000, the following procedure may be used to procure the A/E services:*

- (1) Advertise/post notice at least once a year requesting qualifications from A/E's interested in providing services to the agency on small projects where the fee will be less than \$30,000.*
- (2) The Request For Qualifications (RFQ) should be similar to an RFP which lists information desired, the general types of work to be procured using these procedures, etc*
- (3) Require A/E response to RFQ to include Forms AE-1 through AE-6 emphasizing their qualifications for the type of small projects they seek to be considered for.*
- (4) Statements of qualifications (Forms AE-1 through AE-6) and RFQ responses shall be accepted at anytime to allow new firms to be considered for work and to allow A/E's to update their qualification forms to show current information.*
- (5) Agencies using this Category B procedure shall sort RFQ responses/interest packages, establish a listing of responding A/E's by qualification or discipline/capability, and file RFQ responses by category for use in selecting A/E's for interview.*
- (6) When the Agency desires to select an A/E by Category B procedures, the Agency shall:*
  - (a) Identify, from a list of firms that have expressed an interest in doing work for the Agency and which have Form AE-1 through AE-6 on file with the Agency and which appear to be qualified and suitable to render the required services, not less than three A/Es for interviews.*
  - (b) Conduct telephone or personal interviews with representatives of the three A/E's to determine current personnel qualifications, location relative to the work, expertise, workload, capability to meet the proposed schedule, past performance on similar projects and ability to provide the service within budgeted costs.*
  - (c) Consideration should be given to number and value of previous agency and state contracts awarded to each firm. (One method would be to assess negative points for each previous Category B contract awarded to the A/E during the last 12 months.) Agencies shall consider the opportunity to maximize the participation of qualified Virginia firms interested in doing such work for the Commonwealth and to avoid favoritism or the appearance of favoritism.*
  - (d) Rank order A/Es and negotiate fee for service using competitive negotiation procedures. Repeated selection of the same A/E firm for these 'small purchases' violates the intent of these procedures.*

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- (e) *Award a contract and post notice of same. Post / publish the notice on the On-Line Bids page of eVA, Virginia's central electronic procurement website. The URL is <http://vbo.dgs.state.va.us>.*
- (f) *Use Contract Form CO-3.2, and forward a copy of the signed contract to DEB.*
- (g) *Issue a Purchase Order in eVA referencing to the Contract CO-3.2*

***410.2 If the total fee including reimbursable expenses will be less than \$5,000.00, this 'small purchase' process will allow the VCCO to select and call only one qualified A/E from the list of firms that have expressed interest. Repeated selection of the same A/E firm for these 'small purchases' violates the intent of these procedures.***

- (a) *Consideration should be given to number and value of previous agency and state contracts awarded to each firm. Agencies should consider the opportunity to maximize the participation of qualified Virginia firms interested in doing such work for the Commonwealth including Small Businesses, Minority Owned Businesses, and Women Owned Businesses. Agencies should avoid favoritism or the appearance of favoritism.*
- (b) *Rank order A/Es and negotiate fee for service using competitive negotiation procedures.*
- (c) *Award a contract and post notice of same. Post / publish the notice on the On-Line Bids page of eVA, Virginia's central electronic procurement website. The URL is <http://vbo.dgs.state.va.us>.*
- (d) *Use Contract Form CO-3.2, and forward a copy of the signed contract to DEB.*
- (e) *Issue a Purchase Order in eVA referencing to the Contract CO-3.2*

### **SECTION 411.0 PROCEDURES FOR CATEGORY C (Code of Virginia, § 2.2-4301, "Competitive Negotiation, 3.a and 4303.B,) Standard Professional Services Procurement Procedures**

For a project with a fee amount which is expected to be greater than \$30,000, and for smaller fees if desired, the Committee shall use a qualifications, suitability, and capability based selection process followed by competitive fee versus scope of work negotiations with the selected offeror.

#### ***411.1 Draft a Request For Proposal (RFP).***

***411.2 Advertise:*** *Post a notice on the On-Line Bids page of eVA, Virginia's central electronic procurement website. The URL is <http://vbo.dgs.state.va.us>. Post the advertisement in a public area normally used for posting public notices. Post / publish the Notice in a newspaper of general circulation statewide and/or in the general area of the project.*



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**411.3 Receive, evaluate, and rank** the respondents based on the data contained in the **Forms AE-1 through AE-6, ARCHITECTURAL / ENGINEERING FIRM DATA** submittals of each respondent with respect to the criteria listed in the RFP. If the total contract amount is expected to exceed \$100,000, the evaluation criteria shall include factors for past and proposed use of Small Businesses and Businesses owned by Women and by Minorities.

**411.4 License:** Verify that the top ranked A/E's proposed for interview are, in fact, properly registered with the Board and licensed to provide A/E services in Virginia. Any respondent / proposer not properly registered/licensed shall be disqualified.

**411.5 Interview** a minimum of the top three ranked respondents who are deemed to be fully qualified, responsible, and suitable on the basis of their initial responses. **Discussions of fees, rates, design costs, etc., shall not be included in these evaluations or the interviews.** Allow the A/E to present more detailed information on the RFP criteria; on specific qualifications and expertise of the personnel proposed to be assigned to the project; on the concepts, methods and approaches proposed for the design; and other pertinent information. Evaluate responses of each interviewed firm along with other material and data submitted, the A/E's past performance, and responses from references, and rank order the firms as best suited for the project. **Proprietary information from respondents shall not be disclosed to the public or to the competitors provided such proprietary information in the RFP response is appropriately noted as proprietary information exempted from public disclosure as required by the Code of Virginia, § 2.2-4342.F.**

**411.6 Negotiate** with the A/E ranked first as to overall suitability and qualifications. If the Owner cannot reach agreement on a fee amount based on compliance with all of the **Manual** requirements, the negotiations shall be formally terminated in writing. The Owner must then proceed to negotiate with the A/E ranked second. If not successful, the third, etc. It is understood that at any time during the negotiations, they may be terminated and the project readvertised.

It is anticipated that the fee amount negotiated will cover all the services required. However, it is recognized that unforeseen circumstances may arise and that they must be resolved. Accordingly, at the time of negotiation, the hourly rates for the various technical personnel classifications must be set forth in the MOU for use in determining a reasonable fee amount for additional services.

**411.7 Recommend** the A/E selected to the Agency Head or his Designee for approval.

**411.8** The terms of the agreement shall be recorded in a written and signed MOU and attached to the GS Form E&B CO-3 signed by the Agency Contracting Officer and the A/E.

**411.9 Post a Notice of Award.** Post / publish the notice on the On-Line Bids page of eVA, Virginia's central electronic procurement website. The URL is <http://vbo.dgs.state.va.us>.

**411.10 Issue a Purchase Order** in eVA referencing to the Contract CO-3.2. Forward a copy of the Contract, Form CO-3, and the MOU to DEB.

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### SECTION 412.0 A/E TERM CONTRACTS (*Code of Virginia, §2.2-4301, Competitive Negotiations, 3.a*)

A/E Term Contracts are a useful and effective tool for the Agency in effectively managing their planning, maintenance, and renovation programs and effectively handling emergency situations. The following policy governs the use of these contracts.

- 412.1 Applicability:** Term Contract Procurement of A/E services may be used for engaging an A/E to provide investigations, cost estimates, designs, and related services for multiple small projects over a one-year period of time subject to the limitations below.

*Some advantages for the agency include a reduction in the cost and time of advertising for services, a shorter response time from the A/E, and an improved efficiency and clarity in the production of the Contract Documents for the Agency. For the A/E, it is usually more cost effective to provide the services on multiple small projects for the same agency. Feasibility studies, cost studies, designs of small capital and/or construction project (project costs less than \$1,000,000) and maintenance reserve project designs are examples of Term A/E Contract types of projects.*

**A/E design services for all construction and/or renovation projects with an estimated total project cost of \$1,000,000 or more shall be advertised and procured individually.**

- 412.2 Advertisement:** Since there is a potential for the maximum total of fees to exceed \$100,000, the advertisement, disadvantaged business utilization, selection and posting of notices procedures in Sections 404.0 through 406.0 herein apply. Publication of the notice/advertisement of the RFP shall be on the On-Line Bids page of eVA, Virginia's central electronic procurement website. The URL is <http://vbo.dgs.state.va.us>. Publish the Notice in a newspaper of general circulation statewide and/or in the general area of the project.
- 412.3 RFP:** The RFP shall include a description of the nature / types of the potential projects, the disciplines / expertise required by this Term A/E Contract, and the nature of services expected to be required. The RFP shall also describe factors pertinent to the evaluation and selection process.
- 412.4 Rights to Issue RFPs and Project Orders :** The Agency reserves the right, at its sole discretion, to issue separate RFPs for similar work and other projects as the need may occur. The Agency reserves the right to issue a Project Order under the provisions of this contract to have the A/E provide the type of services described to any branch or subsidiary of the Agency or to another state agency in the same general area.
- 412.5 Multiple Contract Awards from a Solicitation:** An Agency may issue Term A/E Contracts to not more than four (4) of the fully qualified and best suited firms interviewed from a particular A/E Term Contract RFP advertisement / selection process.

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**412.6 Contract Award Period:** The Agency shall have a period of 120 days from the closing date of the RFP solicitation in which to complete selection process and award a Term A/E Contract including the first Project Order to each of the A/E's selected for award of a Term A/E Contract.

**412.7 Contract Limit:** No A/E, including any subdivisions or branches thereof, may at any time have in effect more than one (1) A/E Term Contract with any one (1) Agency including any subdivisions or branches thereof.

**412.8 Fees:** The fee for the services on each Project Order shall be negotiated individually on a lump sum basis considering the Scope of Services required, the estimated manhours required for each skill level/discipline and the labor rates agreed upon and listed in the MOU. If an estimate of the time required to perform the Work cannot be reasonably estimated, the A/E may be directed to proceed with the work on an hourly basis with a maximum or not-to-exceed amount. The compensation / fee shall be determined by the A/E's **certified record** of manhours expended by classification / skill level / discipline and the hourly rates for each as listed in the MOU.

Any individual Project Order fee shall not exceed \$100,000 and the aggregate total of fees for all Project Orders issued during the term of the Term A/E Contract shall not exceed \$500,000 unless a higher limit is approved in writing for that agency by the Director, Department of General Services. Agencies may specify lesser fees in the RFP than above if desired.

The Memorandum of Understanding prepared by the Agency will document the negotiated acceptable labor rates for the various A/E classifications/disciplines/skill levels. These rates will be used by the Agency in arriving at lump sum fees and any hourly rate work that is authorized by the Agency for Project Orders issued under the Term Contract resulting from this solicitation.

If a Project Order is to be performed on a lump sum basis, the Agency shall determine a lump sum based on the Scope of Service required, the estimated manhours required for each classification/discipline/skill level, and the labor rates agreed upon during the contract negotiations.

**412.9 Contract Term:** The term of the A/E Term Contract as relates to the issuance of new Project Orders shall be the earlier of one year from the date of the A/E Term Contract or when the cumulative total of fees for Project Orders issued reaches the maximum fee total or if the Contract is terminated in writing by either party. This one-year period shall be referred to as the Term.

If a Project Order is issued during the Term which, in the aggregate total of it, all previously issued Project Orders and any Change Orders to the previous Project Orders, reaches the term dollar limit, then no further Project Orders may be issued during that Term. It is understood that the A/E's Work under the Project Orders issued may not be completed during the

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Contract Term; however, all terms and conditions of this Contract, including all rights and obligations, shall survive until the Work is completed, except the owners right to issue, and the A/E's right to accept, additional Project Orders. The Owner and the A/E are obligated to fulfill the requirements of all project orders, including change orders thereto, issued even though the term for issuing new project orders has concluded.

The Owner may, at its sole discretion, renew the Contract for an additional one-year Contract Term provided the option to renew was indicated in the RFP. If the Owner exercises its option to renew, the next Contract Term shall begin one year from the date of the execution of this Contract, or previous renewal, or the date that the Owner notifies the A/E that the option to renew is being exercised, whichever occurs first. A new aggregate limit of \$500,000 shall apply to the second Contract Term, without regard to the dollar amounts of Project Orders issued during the first year of the Contract. Any unused amounts from the first Contract Term are forfeited and shall not carry forward to the next Contract Term. Subsequent renewals up to a maximum of four (4) one year renewals shall follow the same procedures. The maximum number of renewals is stated in **§2.2-4301, Competitive Negotiations**.

**412.10 Project Orders :** The first Project Order will be issued at the same time as the execution of the A/E Term Contract. It will authorize the A/E to perform the Work for a lump sum amount or at the marked up hourly rates agreed to and set forth in the MOU attached to the A/E Term Contract. A Form E&B CO-3.1a shall be used to award each Project Order.

It is understood that more than one Project Order may, at the owner's sole discretion, be offered to the A/E during the Contract Term. Although the potential exists for multiple project orders during the Contract Term with aggregate fees up to \$500,000, the Agency does not represent or guarantee that the A/E will receive more than one Project Order.

The Project Order offered to the Term A/E Contractor should include a scope of work, a definition of the product required and a request for a fee proposal. If the A/E and the Owner cannot agree on the scope of work and/or the fee for a Project Order offered to the A/E, the Owner shall terminate negotiations with the A/E on that Project Order and pursue obtaining the services from other A/E's using proper procurement procedures. The Agency shall not offer the Project Order, nor request a fee proposal from a second A/E until negotiations have been terminated in writing with the Term A/E Contractor first offered that Project Order.

### ***412.11 Procedures for Selection of the Architect or Engineer for a Term A/E Contract:***

***412.11.1 Draft a Request For Proposal (RFP).***

***412.11.2 Advertise: Same as Category C***

***412.11.3 Receive, evaluate, and rank the respondents .***

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**412.11.4 License:** *Verify that all A/E's are properly licensed to offer services in Virginia.*

**412.11.5 Interview:** *The Building Committee will conduct interviews with a minimum of the top three ranked A/Es. If Term A/E Contracts are advertised to be awarded to more than one (1) A/E under this solicitation, the Agency shall, in addition to the three (3) minimum, include two (2) more interviewees for each Term A/E Contract the Agency intends to award. (e.g. 1 contract = 3 interviewees, 3 contracts = 3+2+2= 7 interviewees.*

**412.11.6 Selection:** *Rank order the interviewees and select the A/E to be awarded a contract.*

**412.11.7 Negotiation:** *Negotiate and agree upon the special terms and conditions, if any, and the hourly rates which pertain to the Contract and document same in the MOU. The Agency shall then offer a Project Order to the selected A/E and request a fee proposal for the work. Negotiate the fee for the services on the project.*

**412.11.8 Award:** *If the negotiations are successful, the Agency will award a Contract to the selected firm. If negotiations, including hourly rates and other terms and conditions set forth in the MOU to the Term A/E Contract, are not successful, the negotiations shall be formally terminated (in writing) and the contract and the project offered the next firm for negotiation and possible Award of the Contract as described in §2.2-4301, Competitive Negotiation of the Code of Virginia, as amended. The Agency shall issue one Project Order as the basis for execution of the Term A/E Contract. The Agency shall not award a Term A/E Contract to the A/E until such contract can be accompanied by the first Project Order.*

**412.11.9 Documentation:** *Issue a Purchase Order in eVA referencing to the Contract CO-3.2. Send a copy of the Contract Form CO-3.1, the MOU and the initial Project Order Form CO-3.1A to DEB. Also post a Notice of Award.*

**412.11.10 Subsequent Project Orders:** *The Agency may offer additional project orders of a similar nature to the A/E in accordance with the Contract and the MOU and, upon successful negotiation of a fee for the services, include the project order services in the A/E's Contract.*

**412.11.11 Notice:** *Post / publish the notice on the On-Line Bids page of eVA, Virginia's central electronic procurement website. The URL is <http://vbo.dgs.state.va.us>.*

### SECTION 413.0 CONTRACT FORMS TO BE USED

The Standard Forms of Contract for Architect and Engineer Services, GS Forms E&B CO-3, 3.1, 3.1A, and 3.2 shall be used for A/E Contracts. Copies of these forms are on the Forms Center.

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## CHAPTER 4: PROCUREMENT PROCEDURES FOR PROFESSIONAL SERVICES

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These Contract forms shall not be modified, other than filling in the appropriate data and information, without the recommendation of the agency's legal counsel and the approval of the Director of the Division of Engineering and Buildings.

### SECTION 414.0      **General Terms and Conditions for Professional Services**

The General Terms and Conditions for Professional Services Contracts are contained in Chapter 3 of this **Manual**. They shall be made a part of all contracts for professional services and shall not be modified without approval of the Agency legal counsel and the DEB Director.

### SECTION 415.0      **eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION**

**415.1** The eVA Internet electronic procurement solution, web site portal [www.eva.state.va.us](http://www.eva.state.va.us), streamlines and automates government purchasing activities in the Commonwealth. The portal is the gateway for vendors to conduct business with state agencies and public bodies. All vendors desiring to provide goods and/or services to the Commonwealth shall participate in the eVA Internet e-procurement solution either through the eVA Basic Vendor Registration Service or eVA Premium Vendor Registration Service. **The offeror must have registered in eVA prior to the deadline for submission of responses to this RFP to be eligible for the award of this contract for architectural/engineering services. Options available are:**

- a. eVA Basic Vendor Registration Service: \$25 Annual Fee plus a Transaction Fee of 1% per order received. The maximum transaction fee is \$500 per order. eVA Basic Vendor Registration Service includes electronic order receipt, vendor catalog posting, on-line registration, and electronic bidding.
- b. eVA Premium Vendor Registration Service: \$200 Annual Fee plus a Transaction Fee of 1% per order received. The maximum transaction fee is \$500 per order. eVA Premium Vendor Registration Service includes all benefits of the eVA Basic Vendor Registration Service plus automatic email or fax notification of solicitations and amendments, and ability to research historical procurement data, as they become available.

**415.2** For single project A/E Contracts, the Transaction Fee is 1% of the amount of the contract including change orders to the contract with a maximum transaction fee of \$500 per purchase order / contract.

**415.3** For Term A/E Contracts, the Transaction Fee is 1% of the amount of the Project Order including change orders to the Purchase Order with a maximum transaction fee of \$500 per purchase order.